



Punjab Government Gazette

ORDINARY

Published by Authority

CHANDIGARH, FRIDAY, OCTOBER 21, 2022
(ASVINA 29, 1944 SAKA)

LEGISLATIVE SUPPLEMENT

	Contents	Pages
Part - I	Acts	
	<i>Nil</i>	
Part - II	Ordinances	
	<i>Nil</i>	
Part - III	Delegated Legislation	
	Notification No. G.S.R. 71/P.A.14/1995/ Ss. 38 and 45/Amd.(4)/2022, dated the 18 th October, 2022, containing amendment in the Punjab Apartment and Property Regulation Rules, 1995.	-1459-1462
Part - IV	Correction Slips, Republications and Replacements	

PART III
GOVERNMENT OF PUNJAB
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
(HOUSING -2 BRANCH)

NOTIFICATION

The 18th October, 2022

No. G.S.R. 71/P.A.14/1995/Ss. 38 and 45/Amd.(4)/2022.-With reference to the Government of Punjab, Department of Housing and Urban Development, Notification No. G.S.R 167/P.A.14/1995/Ss.38 and 45/Amd./2021, dated the 13th December, 2021, and in exercise of the powers conferred by section 45 read with sub section (2) of section 38 of the Punjab Apartment and Property Regulation Act, 1995 (Punjab Act 14 of 1995) and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules further to amend the Punjab Apartment and Property Regulation Rules, 1995, namely:-

RULES

1. (1) These rules may be called the Punjab Apartment and Property Regulation (Amendment) Rules, 2022.
- (2) They shall come into force on and with effect from the date of their publication in Official Gazette.
2. In the Punjab Apartment and Property Regulation Rules, 1995 (herein after referred to as a said rules), for rule 31, the following rule shall be substituted, namely:-

"31 Compounding of offences:- (1) Notwithstanding anything contained in these rules, the competent authority, on an application, made by the promoter in Form APR-V-A, may either before or after the institution of the proceedings for prosecution, compound an offence of developing an unauthorized colony.

(2) On receipt of an application under sub-rule (1), the competent authority may, if it deems proper, compound the said offence on the fulfillment of following conditions and restrictions by the promoter, namely: -

- (a) the colony should fulfill all the provisions and norms required for grant of license at the time of application and the promoter shall obtain a license in accordance with provisions of the Act and the rules made thereunder;

- (b) the promoter along with his application shall submit proof of ownership of land falling under the unauthorized colony as specified under the Act;
- (c) the unauthorized colony should be in conformity with the provisions of Master Plan notified for the area and other controls;
- (d) the constructions, existing on the site of unauthorized colony, should conform to the Punjab Urban Planning and Development Building Rules, 2021 as amended from time to time or Building Bylaws of the Department of Local Government, whichever applicable;
- (e) at the time of passing of compounding order, if permission for change of land use (CLU) of land falling under the unauthorized colony, has not been obtained by the promoter, the same shall be deemed to be issued provided double the amount of change of land use charges prevalent at that time, is paid by the promoter, in the Government Treasury.

In case of Industrial Colony and on Industrial component in Industrial Park, the promoter shall be liable to pay double the amount of change of land use charges or rupees two lakh (rupees 2,00,000/-) per acre or whichever is more, on the total area of the industrial park or industrial colony as change of land use charges;

- (f) the promoter shall deposit following compounding fee in case of residential and commercial colony in addition to the prevailing External Development Charges (EDC), License Fee (LF), Social Infrastructure Fund (SIF) and Urban Development Fund (UDF):-

Sr. No.	Colony	Percentage of total EDC, LF, SIF, UDF
1	Residential Colony	Twenty percent
2	Commercial Colony	Thirty percent

In case of Industrial Park or Industrial Colony the promoter shall pay the following compounding fee in addition

to EDC/LF (whichever is applicable) on residential and commercial component in that area at the time of compounding; irrespective of the size of Industrial Park.

Sr. No.	Industrial Park/Colony	Fee (In Rs per acre)
a	Industrial Component	5,00,000/-
b	Residential component (in all cases of industrial park/ colony)	Twenty Percent of prevailing total EDC, LF, SIF, UDF
c	Commercial component (in all cases of industrial park/colony)	Thirty Percent of prevailing total EDC, LF, SIF, UDF

All CLU, EDC, LF, UDF and SIF charges shall be paid by the promoter in three equal installments. The first installment shall be payable at the time of compounding of offence and balance amount shall be payable in two half yearly equal installments. In case of delay of payment, the interest and penal interest applicable for regular licensed colonies shall be payable by the promoter. The compounding fee shall be payable in accordance with rule 32;

- (g) the promoter shall pay compounding fee in respect of compoundable violations in buildings existing in unauthorized colony as per prevalent policy. However, non-compoundable violations in the existing buildings, shall be removed or demolished by the promoter before compounding order is passed by the competent authority;
- (h) before passing of compounding order by the competent authority, layout plan of colony shall be technically approved from the prescribed authority according to planning norms and the promoter shall be bound to develop the colony according to approved layout plan;
- (i) after an offence of the promoter has been compounded by the competent authority, if the said promoter or any director of the company repeats a breach of the provisions of the Act,

then one hundred and fifty (150) percent additional compounding fee shall be charged from him for every violation, when such an offence is committed under the Act;

- (j) compounding of offence and regularization of unauthorized colony shall not be considered by the competent authority, if such colony falls:-
 - (i) within the distance of sixteen kilometers from the outer boundary of the Union Territory of Chandigarh;
 - (ii) within such restricted area, where any development is prohibited under any Central or State Act; and
 - (iii) within such area, which is an encroachment over the public land or panchayat land; and
- (k) the colony compounded under this rule shall be governed with all the provisions of the Act and all rules and regulations applicable to licensed colonies.”.

3. In the said rules, in rule 32, the words, brackets and figures "sub-rule (3) or sub-rule (4) of " shall be omitted.

AJOY KUMAR SINHA,

Principal Secretary to Government of Punjab,
Department of Housing and Urban Development.